

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:)	
)	
Daniel Garcia Morales)	CASE NO. 13-0892 (BKT)
Ruth M. Soto Acevedo)	
)	Chapter 13
Debtors,)	
_____)	

ANSWER TO OBJECTION TO CLAIM

TO THE HONORABLE COURT:

COMES NOW creditor Capital One, represented by the undersigned lawfirm and respectfully informs as follows:

1. On May 24, 2013, debtor filed an objection to claim number 5-1 filed by creditor Capital One / Best Buy Inc. (hereinafter "Capital One").[See, docket 21].

2. The objection states that none of the items purchased with the credit card constitute a secured lien as defined by the Bankruptcy Code.

3. The credit card application and card-member agreement that were attached and included in the proof of claim state that cardholders grant the card issuer a purchase money security in items purchased with the card. No filing or other step is required to perfect a purchase-money security interest in consumer goods. PR ST T. 19 § 2102(d).13. See also, **In re Esteves**, 295 B.R. 158, 163 (1st Cir. B.A.P. 2003). As a result there should not be any controversy that Capital One has a security interest over property purchased by debtor with the the Best Buy Credit Card.

4. The contract agreement with the debtor attached to the proof of claim number 5-1 states at its page 36, paragraph 5, under the heading "security" that the cardholder grants the card issuer a purchase money security in the goods purchased with the card.

WHEREFORE, it is respectfully requested of this Honorable Court to grant this response and deny the objection filed by the debtor, with such further consonant relief deemed just and proper, including the scheduling of an evidentiary hearing if deemed necessary.

Respectfully submitted, this 21st of June of 2013.

I HEREBY CERTIFY: That this document was filed with the CM/ECF system on this date which will notify debtor's attorney, the U.S. Trustee, Standing Chapter 13 Trustee, Jose R. Carrion, and other parties in interest to their respective addresses of record. And to those other creditors by regular mail as they appear in the master address list, if any are not registered as CM/ECF system participants.

s/ José Vázquez García.

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